

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

| | | |
|---|---|-------------------------------------|
| Michael P. Goldowsky, individually |) | Civil Action No.: 4:17-cv-02073-RBH |
| and as President/CEO of Gold Medal |) | |
| Technologies Heart, Inc., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Aldo Gareri, individually and in his official |) | |
| capacity as President/CEO of PCI, Inc. |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.). *See* ECF No. 23. The Magistrate Judge recommends that the Court grant in part Defendant’s motion to dismiss and transfer this action to the Northern District of New York because this Court lacks personal jurisdiction over Defendant Gareri. *Id.* at p. 23.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.¹ In the

¹ Plaintiff’s objections were due by February 12, 2018, and Defendant’s objections were due by February 15, 2018. *See* ECF Nos. 23 & 24.

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 23]. Accordingly, the Court **GRANTS IN PART** Defendant’s motion to dismiss [ECF No. 11] and **TRANSFERS** this action to the United States District Court for the Northern District of New York.

IT IS SO ORDERED.

Florence, South Carolina
February 16, 2018

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge